


COUNTY OF YORK

MEMORANDUM

DATE: August 8, 2005 (BOS Mtg. 8/16/05)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Application No. UP-673-05, Paradise Tattoo

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 7) of the York County Zoning Ordinance, to authorize the establishment of a tattoo parlor within an existing retail center (Palace Plaza Shops) located at 113 Palace Lane and further identified as Assessor's Parcel No. 9-14. The property is located on the east side of Palace Lane (Route 690), approximately 600 feet north of its intersection with Bypass Road (Route 60).

DESCRIPTION

- Property Owner: Palace Plaza LLC, Homer H. and Sally A. Radcliffe (Applicant is property owner's lessee)
- Location: 113 Palace Lane (Route 690)
- Area: Parcel acreage: 2.2 acres
- Frontage: Approximately 290 feet on Palace Lane
- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
- Existing Development: 22,200-square foot retail center
- Surrounding Development:
 - East: Nonconforming single-family detached dwelling
 - South: Nonconforming single-family detached dwelling, vacant lots, restaurant, retail shop
 - West: Nonconforming single-family detached dwellings, church, school and hotel across Palace Lane
 - North: Nonconforming single-family detached dwelling

- Proposed Development: 1,247-square foot tattoo parlor

CONSIDERATIONS/CONCLUSIONS

1. The proposed tattoo parlor would be located near the north end of an existing retail center (Palace Plaza Shops). The center currently contains a mix of retail and service uses, including a Harley Davidson dealer and two hair salons. The facility would include a waiting area, tattoo area, office, bathroom, and storage area. There would be no freestanding signage associated with the use – the only signage would be a building-mounted sign similar in size to those identifying other tenants in the center.
2. Uses bordering the retail center site include nonconforming residential dwellings, a hotel, church, restaurant, and retail shop. Surrounding zoning is GB - General Business and LB - Limited Business. The Greensprings residential subdivision is located just north of the subject property at the end of Palace Lane. The applicant would occupy a unit at the north end of the existing shopping center. Adequate parking, utility facilities and lighting exist to service the proposed use. Zoning Ordinance parking standards for a retail center this size require a minimum of 89 spaces (one space per 250 square feet of floor area), and 108 spaces are provided.
3. Also in the vicinity is Providence Classical School, just beyond the shopping center on the west side of Palace Lane. Although the front of the center cannot be viewed from any part of the school property the proximity does raise issues of compatibility, as was discussed during the Planning Commission's deliberations. As was noted by one of the Planning Commission members, this is not, in my opinion, a use that should be allowed to locate in proximity to a school, whether public, private or parochial.
4. In addition to the concerns about the nearby school, I believe it is important to consider the compatibility of this type of use with the tourist orientation of the Bypass Road corridor. Granted, this establishment is not located directly on Bypass Road, but in my estimation the "image" and "perception" of the corridor extends beyond those properties that have direct frontage. While I can understand the Planning staff's recommendation from a strict land use standpoint (low traffic generation, compatibility with other uses in the strip center, minimal visibility), I believe that other policy objectives need to be considered. Foremost among those is the issue of compatibility with the tourist orientation for this corridor. In my opinion, if the County were to create the "ideal" list of uses for a tourist corridor, tattoo parlors would not be included.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its July 13, 2005 meeting. Two Commissioners expressed concerns with the proximity of the proposed use to the existing church and school located north of the shopping center on Palace Lane. Subsequent to conducting a public hearing at which only the applicant spoke, the Commission voted 3:2 to recommend approval (Connor, Davis absent; Staton, Barba dissenting).

COUNTY ADMINISTRATOR RECOMMENDATION

Although the proposed tattoo parlor would not be visible from the nearby school property, the abutting nonconforming residential properties or Bypass Road, I share the concerns of the Planning Commissioners who voted against the proposal. However, my primary concerns, as noted above, center on the compatibility of this type of use with the strong tourist orientation of the Bypass Road corridor and the importance of protecting that orientation. I do not view this type of use as being compatible with those objectives and, accordingly, I recommend that this application be denied.

In the event the Board wishes to approve the application, proposed Resolution No. R05-135 is attached for your consideration.

Attachments

- Excerpts of Planning Commission Minutes, July 13, 2005
- Zoning Map
- Shopping Center Site Plan
- Applicant's Floor Plan Sketch
- Applicant's Justification Statement
- Proposed Resolution No. R05-135

Carter/3337: AMP